



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

JAN 21 1999

400 Seventh Street, S.W.
Washington, D.C. 20590

DOT-E 11342
(SECOND REVISION)

EXPIRATION DATE: December 31, 2000

(FOR RENEWAL, SEE 49 CFR SECTION 107.109.)

1. GRANTEE: Midland Fumigant Company Inc.,
Leavenworth, KS.
2. PURPOSE AND LIMITATION: This exemption authorizes the transportation in commerce of an aluminum phosphide based fumigant/insecticide. The aluminum phosphide mixture must be shipped in a limited number of specially designed containers transported by private motor vehicle. The motor vehicles used under the terms of this exemption are not required to be placarded. This exemption provides no relief from any regulation other than as specifically stated herein.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR Sections 172.500, 172.504 and 172.506.
5. BASIS. This exemption is based on Midland Fumigant Company Inc.'s application dated January 11, 1999 and additional information dated January 20, 1999, submitted in accordance with 49 CFR 107.109.
6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description - proper shipping name	Hazard Class/ Division	Identi- fication Number	Packing Group
Aluminum phosphide	4.3	UN1397	I

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7. PACKAGING AND SAFETY CONTROL MEASURES:

a. Packaging prescribed is a combination packaging of a UN 4G fiberboard box with inner aluminum canisters.

1. The inner packaging is an aluminum canister which may contain up to 1.5 kilograms of the aluminum phosphide mixture.

2. The aluminum canisters are then placed in outer specification 4G fiberboard box with adequate cushioning to keep the canisters separated.

3. The completed packages must be stowed in metal boxes or metal compartments on each motor vehicle and the vehicle may not contain more than 21 kilograms of the aluminum phosphide mixture.

b. TESTING: The completed package must be successfully tested in accordance with 49 CFR Part 178 at the Packing Group I level.

8. SPECIAL PROVISIONS.

a. Distributors for Midland Fumigant Company Inc., and licensed pest control operators using Midland Fumigant's "Aluminum phosphide" product are authorized to transport the packages covered under the terms of this exemption.

b. Only private motor vehicles used in pest control operations are authorized to transport the packages covered by the terms of this exemption.

c. Each inner and outer packages must be labeled POISON and DANGEROUS WHEN WET; however, vehicles need not display DANGEROUS WHEN WET placards.

d. The outside of each package must be marked "DOT-E 11342".

e. Drivers must have been instructed as to necessary safeguards and proper procedures in the event of unusual delay, fire or accident.

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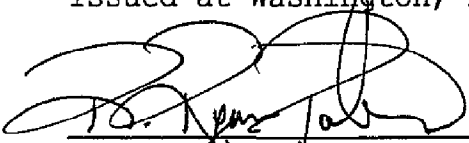
9. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle.
10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each motor vehicle.
11. COMPLIANCE. Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law 49 U.S.C. Section 5101 et seq:
 - o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
 - o Registration required by 49 CFR 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in 49 CFR 171.8 who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by 49 CFR 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS. The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (49 CFR 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incidents involving the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.:


For Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

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Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.
Attention: DHM-31.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, SW, Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

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